THE MADRID CSCE REVIEW MEETING: PHASE III INTERIM REPORT

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The Third Phase - October 27 to December 18, 1981

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INTRODUCTION AND SUMMARY

Phase III of the Madrid Review Meeting of the Conference on Security and Cooperation in Europe (CSCE) came to an uneasy and inconclusive end on Friday, December 18, 1981 after eight weeks of negotiations on a concluding document. The brutal imposition of martial law and subsequent suspension of civil rights in Poland occurred just as this segment of the meeting was entering its final week and, thus, dashed all hope of reaching agreement in 1981. The likelihood of any substantive conclusion to the review meeting, which is scheduled to reconvene on February 9, 1982, is now as uncertain as the fate of Poland.

The Madrid Meeting resumed on October 27, 1981 after a recess of nearly three months. Phase II of the meeting had ended when a Western attempt to break the impasse on the military security and human rights questions was summarily rejected by the East. After thirty-six weeks of deliberations over fourteen months, the Madrid Meeting is still divided over these same two fundamental issues. Virtually no progress in the human rights and military security areas was made during the latest phase of the meeting. In fact, no new agreements on any outstanding issues were reached in the eight-week period. A large part of the reason for the inflexibility on both sides was a desire not to concede anything until the final bargaining at the end.

Ironically, just prior to the Polish crackdown and despite some remaining differences between East and West on the key issues, agreement on a substantive and balanced concluding document seemed nearer in this phase of the meeting than ever before, due largely to the introduction of a package compromise proposal by the Neutral and Non-aligned (NNA) nations. While the theoretical possibility for bridging those differences still remains, it is clear the the eventual outcome of the Madrid Meeting will be greatly affected--if not directly determined--by the harsh crushing of the reform movement in Poland and subsequent developments there.

MILITARY SECURITY

Every participating state in the CSCE has indicated its support for convening a post-Madrid conference on the military aspects of security in Europe. President Reagan, in his November 18, 1981 speech on arms control issues reiterated U.S. support for this proposal:

> "At the current Madrid Meeting of the Conference on Security and Cooperation in Europe, we are laying the foundation for a Western-proposed Conference on Disarmament in Europe. This conference would discuss new measures to enhance stability and security in

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Europe. Agreement on this conference is within reach. I urge the Soviet Union to join us and the many other nations who are ready to launch this important enterprise."

Agreement in Madrid has coalesced around a post-Madrid security forum closely resembling the original French-proposed and NATO-sponsored Conference on Disarmament in Europe (CDE). All CSCE participants have agreed that this conference should examine new confidence and security-building measures (CSBMs)--such as prior notification of troop movements and military exercises-- which would be militarily significant, verifiable, politically binding and which would be aimed at reducing the danger of surprise attack. The remaining unresolved issue is the area of European territory to be covered by these measures. The West's position is that the entire continent of Europe from the Atlantic Ocean to the Ural Mountains should be included. (Under the existing Final Act provisions, only 250 kilometers of Soviet territory are covered.)

The Soviets have conditioned their acceptance of this extension of the zone of applicability of CSBMs on the willingness of the West to take a "corresponding" step. The United States and its allies have indicated their readiness to extend coverage to air and naval activities which are an integral part of ground manuevers on the European land mass. The Soviets, however, have called this formulation inadequate, claiming that the CSBM zone should cover all the sea area and air space around Europe, and that the exact contours of this zone of applicability should be drawn up at the security conference itself. The NATO countries adamantly oppose this idea, insisting that all aspects of the mandate for a post-Madrid security conference must be resolved in Madrid itself in order to prevent the conference from becoming a mere propaganda forum. The zone issue has been--and remains--at the crux of the military security question in Madrid.

HUMAN RIGHTS

Sharp differences between East and West on human rights were also manifested during Phase III. Western delegates clashed with their Eastern counterparts during discussions of human rights violations in both the plenary and working group sessions of the meeting. Western representatives, led by the United States, issued sharp attacks on the Soviet Union and certain East European countries for a wide range of human rights violations. Perhaps the harshest condemnation yet of Western performance in this area was expressed by Soviet and Czechoslovak delegates during Phase III of the Madrid Meeting, in response to Western criticism of Eastern human rights abuses.

Discord over these issues was also evident in the negotiations of the human rights component of the Madrid concluding document. The West continued to insist that substantial progress in the human rights and humanitarian cooperation sections beyond

the provisions of the Final Act was essential for the concluding document. While some new commitments in these areas had been provisionally agreed upon in previous stages of the Madrid Meeting, these were not enough to meet Western needs. During the eight weeks of Phase III, however, no additional progress on these topics was made. Not one new undertaking in the human rights, human contacts or information fields was agreed upon. Soviet negotiators--claiming they had already conceded as much as they could--varied their tactics between stony silence and refusal even to discuss Western proposals and a counter-offensive of tabling wholly unrealistic proposals in these fields.

While some delegates believed that Eastern concessions in the human rights area would be forthcoming once agreement has been reached on the mandate for a security conference, the Soviets gave only vague hints that such concessions might be forthcoming. However, should the negotiations somehow eventually get back on track following the events in Poland, a satisfactory resolution of the human rights question will be central to a successful outcome of the Madrid Meeting.

REVIEW OF IMPLEMENTATION

Throughout the course of Phase III, the U.S. delegation, together with other Western countries, continued the practice of calling certain Eastern countries to task for their deplorable, and steadily worsening, implementation records in both the military security and humanitarian areas. By continuing to raise implementation issues, the West acted to effectively restore balance to the meeting, which might otherwise have been in danger of devoting excessive time to the elaboration of new provisions for a Madrid concluding document and ignoring continuing violations of the original provisions of the Helsinki Final Act.

Putting the Soviet so-called "Peace Offensive" in Europe into stark perspective, the United States delegation documented and denounced recent Soviet actions which had drastically undermined European security and increased tensions on the continent. Included in the U.S. indictment was the failure to adequately notify major military maneuvers, in particular the maneuver Zapad '81 held near Poland in early September, the violation of Swedish territorial waters by a Soviet spy submarine (probably nuclear-armed), the invasion and continued occupation of Afghanistan and, ultimately, the imposition of martial law in Poland and Soviet involvement therein, all of which constituted flagrant violations of virtually every Helsinki Final Act principle and provision relating to security in Europe. In this context, U.S. Delegation Chief Kampelman in a plenary speech recalled President Reagan's statement of November 18, which linked true peace and security in Europe with respect for human freedom and dignity, and emphasized that "wherever there is oppression, we must strive for true peace

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and security of individuals as well as states. We must recognize that progress in the pursuit of liberty is a necessary complement to military security."

During Phase III, the U.S. delegation brought to a total of eighty-six the number of individuals it has cited whose rights under the Helsinki accords have been violated by Warsaw Pact countries. The delegation also raised other human rights concerns such as: the repressive legal restrictions on Crimean Tatars which prohibit them from returning to their historic homeland; the widespread persecution of religious activists as exemplified by the intensified harassment of Evangelical Christians; the forced russification of the Baltic peoples; and prohibitions against manifestations of Ukrainian culture. In addition, the United States and the United Kingdom delegates strongly attacked anti-Semitism in the Soviet Union. The Federal Republic of Germany representative made a sharp statement criticizing Soviet restrictions on the free movement of people and flow of information across the borders of participating states.

Western delegations also reacted to current developments. For example, Ambassador Kampelman in referring to the observance of "Political Prisoner Day" on October 30 in the Soviet Union, again raised the Raoul Wallenberg case and protested the stepped-up efforts by the USSR and Czechoslovakia to eradicate Helsinki Monitoring Groups in their countries. The United States delegation commemorated the 33rd anniversary of the adoption of the Universal Declaration on Human Rights and, in that connection, appealed for the release of individuals presently imprisoned or separated from their families by Eastern governments. And, as international concern mounted in connection with the hunger strike of Dr. Andrei Sakharov and his wife, Yelena Bonner, the U.S. and many other Western delegations repeatedly protested against the Soviet Government's stubborn and inhumane refusal to respond to the Sakharov's demands to let their daughter-in-law join her husband in the United States.

On a few occasions, the East, notably the USSR and Czechoslovakia, accused the West of massive violations of human rights. The Eastern attacks focused on unemployment, crime, the Ku Klux Klan, the tragic murders of black children in Atlanta, alleged anti-Semitism in the United States, racism, purported U.S. Government mistreatment of the air-traffic controllers and the alleged British torture of IRA inmates in Maze Prison. The United States and Britain refuted these charges and produced evidence to document the East's record of blatant discrimination against minority and national groups, forced labor, inhuman treatment of political prisoners, psychiatric abuse, suppression of free trade unions and the growing crime rate in the USSR.

As Phase III neared an end and the full extent of the suppression of human freedoms in Poland became known to the world, the United States and other Western and neutral countries con-

demned the Polish military regime for its wholesale violation of the human rights provisions of the Helsinki accords. The most that the East could do to respond was to repeat the tired and ineffectual argument that such criticism constitutes impermissible interference in the internal affairs of a participating state. The meeting ended on this discordant point of charges and countercharges about Poland. The Soviet Union was clearly put on the defensive both for its obvious role in the Polish events and for having destroyed the possibility of ending the Madrid meeting on a positive note.

NNA INITIATIVE

On December 16, during the final week of Phase III, eight Neutral and Non-aligned countries (NNA) -- Austria, Cyprus, Finland, Liechtenstein, San Marino, Sweden, Switzerland and Yugoslavia -- formally introduced a new compromise draft of the concluding document for the Madrid meeting. This 36-page document was the result of weeks of intensive informal contacts between the NNA countries, acting as intermediaries, and selected Western and Eastern delegations. Three delegations - the U.S., the United Kingdom and Norway - had been designated by the Western allies to negotiate directly with the NNA representatives in these informal sessions in an effort to work out outstanding differences with the East.

The compromise draft of the concluding document that was finally introduced by the NNA countries on December 16 incorporated all previously agreed upon language and contained several new formulations. It also did succeed in narrowing the differences between East and West on key human rights and military security questions, although both sides expressed strong reservations over certain aspects of the paper. For the West, and in particular the U.S. delegation, the human rights portion of the NNA draft document was inadequate in several important respects. While containing provision for a human rights experts meeting, the paper failed to make adequate reference to the role that Helsinki Monitors and other private individuals play in the Helsinki process, or to provide for an experts meeting on family reunification. In addition, although the NNA paper contained some slight improvements on the Final Act's Basket III human contacts and information provisions and included new, if qualified, provisions promoting religious liberty, it contained virtually no reference to the lengthy review of implementation which had been a major component of the meeting's agenda.

In the security area, the NNA paper removed some of the obstacles dividing East and West over the mandate for the envisaged post-Madrid meeting on confidence and security-building measures, leaving the most important issue, the precise definition of the zone of applicability in Europe of these measures still unresolved. The paper made two major, although incomplete, steps toward satisfying the Western demand that the CSBMs cover the

whole of Europe, including the entire European part of the Soviet Union. As a compromise formulation, the NNA paper stipulated that the "adjoining sea area and air space" of Europe will also be subjected to CSBMs, but did not meet the Western requirement that only military activities in the sea and air space constituting an an "integral part" of military maneuvers on the territory of Europe are to require notification.

The Soviets labeled the NNA effort as essentially Western-oriented and refused to agree to proposed revisions in the human rights area. At the same time, while publicly giving the NNA paper a lukewarm reception, they were suprisingly restrained in their private criticisms until the radically changed circumstances in Poland made it clear that agreement was no longer possible.

THE IMPACT OF POLAND

The imposition of martial law and the subsequent repression in Poland brought the frenetic negotiations on the NNA draft concluding document to a halt. With the crackdown in Poland, this latest phase of the Madrid Meeting concluded without even an agreement in principle on the key components of the concluding document. The final day's plenary was marked by a succession of strong denunciations by the U.S., as well as nearly every other Western delegation, including three of the four traditionally neutral states, of the events in Poland.

These events were clear and blatant violations of fundamental Final Act provisions, including Principle VII on respect for human rights and fundamental freedoms and various Basket III provisions dealing with the free flow of people, ideas and information. In addition, the clear complicity -- if not direct involvement -- of the Soviet Union in the Polish repression also violated important Final Act principles dealing with non-intervention in the internal affairs of other states and respect for the sovereignty of states.

The brutal imposition of martial law and the suspension of human freedoms in Poland came just as the NNA states had begun their final push for agreement in principle on their compromise draft. By the time it was formally presented in plenary, on December 16, 3 days after the declaration of martial law in Poland, it became clear to all that there was no possibility for the adoption of a new series of East-West accords. All that remained was for the West and some neutral countries to denounce the events in Poland and to adjourn as agreed, on December 18.

OUTLOOK FOR THE FUTURE

The Madrid meeting is slated to reconvene on February 9, 1982. It seems a foregone conclusion that the meeting will not return to a business as usual discussion of the NNA paper with its proposals for new areas of East-West cooperation and its promises

for strengthened commitments to human rights. The focus will be on Poland and the egregious violations of the Helsinki Final Act which the Polish and Soviet governments have committed in their all-out assault on the basic human rights of the Polish workers and the Polish people.

In these circumstances, it is difficult to imagine how the Madrid meeting can be concluded with the adoption of a lengthy and comprehensive document along the lines of the NNA paper as had seemed possible in mid-December. In fact, after the events in Poland, the NNA paper appears totally inadequate in many aspects and certainly could not be considered any longer as a serious basis for the ending of the meeting. At this juncture, it appears that it will not be possible, or certainly not appropriate, to negotiate anything further at Madrid short of an eventual agreement to end the meeting as is, with a truncated document setting the time and place for the next review meeting, or to postpone its continuation to a much later date. Whatever happens, the sad truth is that the smashing of Solidarity and the human rights movement in Poland has set East-West relations back to such a degree that it is impossible to predict the long range consequences for either the Madrid Meeting or the CSCE process itself.